

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2007-280

DANIELLE MARELLA
23427 Goucho Court
Valencia, CA 91355

Registered Nurse License No. 583818

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 20, 2008.

IT IS SO ORDERED this March 20, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-280

12 DANIELLE ANN MARELLA
23427 Goucho Court
13 Valencia, CA 91355

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Registered Nurse License No. 583818

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Nicholas A. Sanchez, Deputy Attorney General.

24 2. Danielle Ann Marella (Respondent) is represented in this proceeding by
25 attorney Michael M. Levin, address is Wegman, Levin & Stanley, 5200 Lankershim Blvd., Ste.
26 850, North Hollywood, CA 91601.

27 3. On or about July 23, 2001, the Board of Registered Nursing issued
28 Registered Nurse License No. 583818 to Danielle Ann Marella. The License was in full force

1 and effect at all times relevant to the charges brought in Accusation No. 2007-280 and will expire
2 on June 30, 2009, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2007-280 was filed before the Board of Registered
5 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on May 22, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2007-280 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2007-280. Respondent also has
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2007-280, agrees that cause exists for discipline and hereby surrenders her
26 Registered Nurse License No. 583818 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 583818, issued to Respondent Danielle Ann Marella is surrendered and accepted by the Board of Registered Nursing.

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1 13. The surrender of Respondent's Registered Nurse License No. 583818 and
2 the acceptance of the surrendered license by the Board shall constitute the imposition of
3 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
4 become a part of Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a Registered Nurse in
6 California as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board both her wall and
8 pocket Registered Nurse License certificates on or before the effective date of the Decision and
9 Order.

10 16. Respondent fully understands and agrees that if she ever files an
11 application for licensure or a petition for reinstatement in the State of California, the Board shall
12 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
13 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
14 and all of the charges and allegations contained in Accusation No. 2007-280 shall be deemed to
15 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
16 the petition.

17 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
18 associated with its investigation and enforcement pursuant to Business and Professions Code
19 section 125.3 in the amount of One Thousand Five Hundred Fifty Dollars and Seventy-Five
20 Cents (\$1,550.75). Respondent shall be permitted to pay these costs in a payment plan approved
21 by the Board.

22 18. Should Respondent ever apply or reapply for a new license or certification,
23 or petition for reinstatement of a license, by any other health care licensing agency in the State of
24 California, all of the charges and allegations contained in Accusation, No. 2007-280 shall be
25 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
26 Issues or any other proceeding seeking to deny or restrict licensure.

27 19. Respondent shall not apply for licensure or petition for reinstatement for
28 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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ATTY GENERAL OFFICE

WEGMAN LEVIN STANLEY

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ATTY GENERAL OFFICE

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ACCEPTANCE

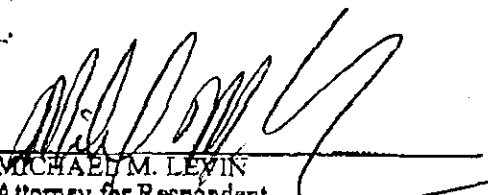
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael M. Levin. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1-9-2008


DANIELLE ANN MARELLA
Respondent

I have read and fully discussed with Respondent Danielle Ann Marella the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1-9-08


MICHAEL M. LEVIN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 1/10/2008

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM
Supervising Deputy Attorney General



NICHOLAS A. SANCHEZ
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007600502
60230924.wpd

Exhibit A
Accusation No. 2007-280

1 EDMUND G. BROWN JR. Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007 - 280

13 DANIELLE ANN MARELLA
14 23427 Goucho Court
Valencia, CA 91355

A C C U S A T I O N

15 Registered Nurse License No. 583818

Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about July 23, 2001, the Board of Registered Nursing issued
22 Registered Nurse License No. 583818 to Danielle Ann Marella (Respondent). The Registered
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on June 30, 2007, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing,
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 8. Section 2762 of the Code states:

2 "In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 ...

6 "(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 "(c) Be convicted of a criminal offense involving the prescription, consumption,
13 or self-administration of any of the substances described in subdivisions (a) and (b) of this
14 section, or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof.

17 ...

18 9. California Code of Regulations, title 16, section 1444, states:

19 "A conviction or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
21 present or potential unfitness of a registered nurse to practice in a manner consistent with the
22 public health, safety, or welfare.

23 10. Section 490 of the Code states:

24 "A board may suspend or revoke a license on the ground that the licensee has been
25 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
26 of the business or profession for which the license was issued. A conviction within the meaning
27 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
28 contendere. Any action which a board is permitted to take following the establishment of a

conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent is subject to disciplinary action under sections 2761, subdivision (f) and 490 of the Code, on the grounds of unprofessional conduct, as defined in California Code of Regulation, title 16, section 1444, in that Respondent was convicted of a crime which is substantially related to the qualifications, functions and duties of a licensed registered nurse, as follows:

a. On or about December 14, 2006, in a criminal proceeding entitled *The People of the State of California v. Danielle A. Marella*, Respondent was convicted by a plea of guilty for violating Penal Code section 191.5 (a) (gross vehicular manslaughter while intoxicated), a felony, in the Superior Court of the State of California, County of Los Angeles, Northwest District, Case No. LA051993.

b. The circumstances surrounding the conviction are that on or about March 20, 2006, Respondent was traveling on the wrong side of the road and collided head on with a second vehicle. The collision resulted in a fatal injury to the driver of the second vehicle, who was pronounced dead at the scene. Respondent was under the influence of an alcoholic intoxicant and unable to safely operate a motor vehicle and placed under arrest.

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